

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	
09/760,908	01/16/01	MCCABE	G	1685-P01487U
000110		MMC1/0817	EXAMINER	
DANN DORFMAN HERRELL & SKILLMAN SUITE 720 1601 MARKET STREET PHILADELPHIA PA 19103-2307		LOCKETT, K		
		ART UNIT	PAPER NUMBER	
				2837
			DATE MAILED:	08/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. 09/760,908	Applic. No(s)	Geoffrey L. McCabe
Examiner Kim Lockett	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 6-20 is/are rejected.

7)  Claim(s) 5 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved. b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892) 18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 19)  Notice of Informal Patent Application (PTO-1449)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20)  Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaller.

Schaller teaches the use of a musical instrument with a string(36) having a first end and a second end; a tailpiece(18) for securing the first end of the string, a head(not shown) remote from the tailpiece for securing the second end and comprising an anchor(22) connected with the second end and an arm(82) for pivoting the anchor about an axis transverse the axis of the string; wherein pivoting the anchor in a first direction increases the tension in the string(column 5, lines 23-35)(claims 1,12).

Regarding claims 2-4, and 15 the device taught by Schaller includes the use of a lock(98) formed on the arm(232) impeding the pivoting of the arm(see figure 2).

Regarding claims 6-9, and 16-19 the device taught by Schaller includes the use of a tuning means that comprises a thumbscrews(270)for varying the tension of the strings and adjusting the anchor.

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Regarding claims 10 and 11, the musical instrument comprises a nut and a bridge(18), where the bridge forms a first critical point for the string and the nut comprises a second critical point, wherein the anchor is adjacent the nut.

Regarding claims 13, 14, and 20, the musical instrument comprises a tensioner that comprises a lever (232) pivot able about an axis.

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Borisoff, Stroh, Storey, Chang and Cipriani('905) teach the use of bridge systems. Takabayashi and Steinberger teach the use of tremolo devices. Cipriani('571), Matsui, and Rose teach the use of tuning devices.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Lockett whose telephone number is (703) 308-7615.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

  
ROBERT E. NAPPI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800